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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

NOTIFICATION

New Delhi, the 6th January 1969

S.O. 167.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act 1948 (9 of 1948), the Central Government hereby makes the following Scheme for the Port of Bombay, the same having been previously published as required by the said sub-section, namely:—

THE BOMBAY CHIPPING AND PAINTING WORKERS (REGULATION OF EMPLOYMENT) SCHEME 1969

1. **Name of the Scheme.**—(1) This Scheme may be called the Bombay Chipping and Painting Workers (Regulation of Employment) Scheme, 1969 (hereinafter referred to as "the Scheme").

(2) It shall come into force on the date of its publication in the official gazette.

2. **Objects and application.**—(1) The objects of the Scheme are to ensure greater regularity of employment for the chipping and painting workers in the port of Bombay and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(2) The Scheme relates to the port of Bombay and applies to the classes or descriptions of dock work and dock workers set out in Schedule I;

Provided that the Scheme shall not apply to any dock worker unless he is employed or registered for employment as a dock worker.

(3) The Scheme shall apply to registered chipping and painting workers and registered employers.

(4) Nothing in this Scheme shall apply to any class or description of dock work and dock workers in the Indian Naval Dockyard, or any work carried out by the ship's crew;

(5) Notwithstanding anything contained in this Scheme, the work of chipping and painting at the workshops and in the port shall be carried out by the registered employers by engaging registered chipping and painting workers; provided that the work of chipping and painting carried out on the date of commencement of this Scheme by the regular employees of the Bombay Port Trust in respect of the crafts belonging to the said Trust shall continue to be carried out by such employees.

3. **Interpretation.**—In this Scheme, unless the context otherwise requires—

(a) "Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948).

(b) "Administrative Body" means the Administrative Body appointed under clause 4;

(c) "Board" means the Bombay Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948;

(d) "Chairman" means the Chairman of the Board appointed as such under section 5A (4) of the Act.

(e) "daily worker" means a registered dock worker who is not a monthly worker;

(f) "Deputy Chairman" means the Deputy Chairman of the Board appointed as such under the Bombay Dock Workers (Regulation of Employment) Scheme, 1956;

(g) "dock employer" means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers formed under clause 15(1)(d);

(h) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;

(i) "employers' register" means the register of dock employers maintained under the Scheme;

(j) "Labour Officer" means the Labour Officer appointed by the Administrative Body under clause 12;

(k) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side;

(l) "Personnel Officer" means the Personnel Officer appointed by the Board under clause 5;

(m) "registered dock worker" means a chipping and painting worker whose name is for the time being entered in the register or record;

(n) "registered employer" means a dock employer whose name is for the time being entered in the employers' register;

(o) "register or record" means the register or record of dock workers maintained under the Scheme.

(p) "reserve pool" means a pool of registered dock workers who are available for work, and who are not for the time being in the employment of a registered employer or a group of dock employers as monthly workers;

(q) "vessel" means an ocean-going vessel or ship whose gross registered tonnage is not less than 350 tonnes and includes all crafts belonging to the Bombay Port Trust;

(r) "week" means the period commencing from the midnight of Saturday ending on the midnight of the next succeeding Saturday.

4. **Administrative Body.**—(1) The Central Government may, by notification in the official Gazette, appoint the Chipping and Painting Employers' Association

Private Limited, or any other association of employers or authority to be the Administrative Body for the purpose of carrying on the day-today administration of the Scheme.

(2) The Administrative Body shall subject to the supervision and control of the Board and the Chairman and subject to the provisions of clause 44 carry on the day-today administration of the Scheme.

(3) The Central Government may for sufficient cause remove any Administrative Body appointed under sub-clause (1):

Provided that the Administrative Body shall not be removed unless it has been given a reasonable opportunity of being heard.

5. **Personnel Officer and other servants of the Board.**—The Board may appoint a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post the maximum salary of which exclusive of allowances is rupees eight hundred and above per mensem shall be created, and no appointment to such post shall be made by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

6. **Functions of the Board.**—(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2, including measures for:

(a) ensuring the adequate supply and the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turn-round of vessels;

(b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers in the reserve pool to registered employers;

(c) determining and keeping under review in consultation with the Administrative Body the number of registered employers and registered dock workers from time to time on the registers or records and the increase or reduction to be made in the numbers in any such register or record;

(d) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;

(e) Keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of registered dock workers including any registers or records of registered dock workers who are temporarily not available for dock work and whose absence, has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;

(f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;

(g) making provisions for the training and welfare of registered dock workers including medical services in so far as such provision does not exist apart from the Scheme;

(h) levying and recovering from registered employers contributions, in respect of the expenses of the Scheme;

(i) making provision for health and safety measures in places where registered dock workers are employed in so far as such provision does not exist apart from the Scheme;

(j) maintaining and administering the Dock Workers Welfare Fund and recovering from all registered employers contribution towards the Fund in accordance with the Dock Workers (Regulation of Employment) Rules, 1962, and recovering from all registered employers contribution of the Fund framed under clause 54;

(k) maintaining and administering a Provident Fund and a Gratuity Fund for registered dock workers in the reserve pool;

(l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including, health, safety, training and welfare measures for registered dock workers and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of benefit to the members of the Board; provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let, by any member to the Board nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board.

(3) The Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government—

(i) as soon as may be after the first day of April in every year and not later than the 31st day of October, an annual report on the working of the Scheme during the preceding year ending the 31st day of March, together with an audited balance sheet; and

(ii) copies of proceedings of the meetings of the Board.

7. **Responsibilities and duties of the Board in meeting—**

The Board in meeting shall be responsible for dealing with all matters of policy and in particular may—

(a) fix the number of workers to be registered under various categories;

(b) increase or decrease the number of registered dock workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements;

(c) sanction the temporary registration of a specified number of workers in any category for a specified period;

(d) consider registration of new employers on the recommendation of the Chairman;

(e) prescribe forms, records, registers, statements and the like required to be maintained under the Scheme;

(f) determine the wages, allowances and other conditions of service and refix the guaranteed minimum wages in a month after annual review;

(g) fix the rate of levy under clause 52(1);

(h) fix the rate of contribution to be made by registered employers to the Dock Workers Welfare Fund;

(i) appoint, abolish or reconstitute Committees under clause 36;

(j) sanction the Annual Budget;

(k) appoint the Personnel Officer;

(l) subject to the provisions of clause 5 sanction creation of posts and make appointments to such posts;

(m) make recommendations to the Central Government about changes in Schedule I;

(n) make recommendations to the Central Government about any modifications in the Scheme;

(o) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;

(p) discuss statistics of output of registered dock workers and turn-round of ships and record its observations and directions; and

(q) sanction the opening of accounts in such scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct.

8. **Annual Estimates.**—The Chairman shall, at a special meeting to be held before the end of February in each year lay before the Board the Annual Budget as received from the Administrative Body under clause 11(i) for the year commencing on the 1st day of April then next ensuing in such details and form as the Board may, from time to time, prescribe. The Board shall consider the estimate so presented to it and shall within 4 weeks of its presentation sanction the same either unaltered or subject to such alterations as it may deem fit.

9. **Responsibilities and duties of Chairman.**—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-today administration of the Scheme and in particular:—

(a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;

(b) to ensure that the sanctions for temporary registration of workers are carried out without delay;

(c) (i) to supervise and control the working of the Administrative Body;

(ii) to take suitable steps if any irregularities are detected by him or brought to his notice;

(d) to ensure in consultation with shipowners or shipping agents that proper and adequate supervision is provided by the registered employers over the registered dock workers employed on their ships;

(e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;

(f) to constitute Medical Boards when required;

(g) to ensure that conditions laid down in the Scheme, for the registration of employers are complied with by them;

(h) to ensure that all forms, registers and documents, prescribed under the Scheme, are properly maintained;

(i) to ensure that suitable statistics in regard to the output of registered dock workers and the turn-round of ships are compiled and placed before the Board every quarter with appropriate remarks and explanations;

(j) (i) to sanction the creation of posts the maximum salary of which exclusive of allowances is upto rupees six hundred per month;

(ii) to make appointments to posts, the maximum salary of which exclusive of allowances is upto rupees six hundred per month;

(k) to take disciplinary action against registered dock workers and registered employers in accordance with the provisions of the Scheme;

(l) to allow relaxation in the maximum number of shifts per registered dock worker per week or per month, and to report such cases to the Board;

(m) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme.

(n) to declare a 'state of emergency' and to take action as authorised under the Scheme;

(o) to make a report, when necessary, to the Central Government under rule 6 of the Dock Workers (Regulation of Employment) Rules, 1962;

(p) to sanction the transfer of a monthly worker to the reserve pool at the request of the employer or the registered dock worker, as provided for in the Scheme;

(q) to deal with appeals from registered dock workers and registered employers under clauses 47 and 48;

(r) to fill an unexpected vacancy in the post of Deputy Chairman for a period of less than one month and report such matter to the Central Government for approval; and

(s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme;

(2) The Chairman may, subject to such conditions as he thinks fit, delegate in writing to the Deputy Chairman any of the functions under sub-clause (1) excepting those mentioned in items (j), (n), (o), (q), (r) and (s). Such delegation shall not divest the Chairman of his powers.

10. **Responsibilities and duties of the Deputy Chairman.**—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular, shall:—

(a) discharge all functions relating to disciplinary action against registered employers and registered dock workers to the extent permitted under clause 44;

(b) exercise such other functions as are delegated to him in writing by the Chairman.

(c) function as Chairman of Committees of the Board of which he may be nominated as a member; and

(d) preside over the meetings of the Board in the absence of the Chairman.

11. **Functions of the Administrative Body.**—Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body shall be responsible for the administration of the Scheme and shall, in particular, be responsible for—

(a) keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer either at his own request or in accordance with the provisions of the Scheme;

(b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of registered dock workers, including any registers or records of registered dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;

(c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;

(d) the grouping or re-grouping of registered dock workers in accordance with the instructions received from the Board in such groups as may be determined by the Board;

(e) the allocation of registered dock workers in the reserve pool who are available for work to registered employers and for this purpose, the Administrative Body shall—

(i) be deemed to act as an agent for the employer,

(ii) make the fullest possible use of registered dock workers in the reserve pool,

(iii) keep the record of attendance, at call stands or control points of registered dock workers,

(iv) provide for the maintenance of records of employment and earnings,

(v) subject to the allotment of work by rotation under clause 29(3), allocate registered dock workers in accordance with clauses 19 and 30, and

(vi) make necessary entries in the Attendance Card and Wage slip of registered dock workers in the reserve pool as laid down in clause 27;

(f) (i) the collection of levy, contribution to the Dock Workers' Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;

(ii) the collection of workers' contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;

(iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme.

(g) appointing, subject to budget provision, such officers and servants from time to time as may be necessary;

Provided that the creation of posts the maximum salary of which exclusive of allowances is upto rupees five hundred per month and appointment of persons to such posts shall be subject to clauses 7(1) and 9(1)(j);

(h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it, and making and submitting to the Board an annual report and audited balance sheet;

(i) the framing of the Budget annually, submitting the same to the Board on or before the 15th day of February in each year and getting it approved by the Board;

(j) maintaining complete service records of all registered dock workers; and

(k) such other functions as may from time to time, subject to the provisions of the Scheme, be assigned to it by Board, the Chairman or the Deputy Chairman.

12. **Labour Officer.**—The Administrative Body when it consists of employers of dock workers shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that Body consistent with the provisions of the Scheme.

13. **Functions of the Personnel Officer.**—The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out the functions vested in him under clause 44 of the Scheme.

14. **Officers appointed by the Central Government for proper working of the Scheme.**—(1) Notwithstanding the provisions of clauses 4, 5, and 13, the Central Government may appoint from time to time, in consultation with the Chairman one or more officer and entrust to such officer or officers such functions as it may deem fit for the proper working of the Scheme.

(2) The officer or officers appointed under sub-clause (1) shall be subject to the general supervision and control of the Chairman and be paid from the funds of the Board. Such Officer or officers shall hold office for such period and on such terms and conditions as the Central Government may determine.

15. **Maintenance of Registers, etc.**—(1) Employers' Register—

(a) There shall be a register of employers.

(b) In so far as the applications of the Scheme to chipping and painting labour is concerned, every chipping and painting employer who on the date of commencement of the Scheme is listed under the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 shall be deemed to have been registered under the Scheme.

(c) Persons other than those who are deemed to have been registered under item (b) shall not be registered as chipping and painting employers unless the Board considers it expedient and necessary to do so, and in no case shall a person be registered until he has been licensed in that behalf by the Bombay Port Trust.

(d) The Board may, subject to such conditions as it may with the previous approval of the Central Government prescribe in this behalf, permit persons registered under item (b) or (c), to form one or more groups, and each group so formed shall be treated as one employer only for employment of monthly workers:

Provided that the Board shall have power to make with the previous approval of the Central Government such alterations or modifications in the conditions prescribed, as it may deem necessary from time to time:

Provided further that the Board may revoke from such date as it may specify, the permission given to any group of employers, if, after giving an opportunity to the group of employers to show cause against

the proposal and after considering its representations, if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such groups and thereupon the said group shall stand dissolved from such date

(2) **Workers' Registers.**—(a) The workers' registers shall be maintained in the forms prescribed by the Board for this purpose.

(b) The registers of chipping and painting workers shall be as under, namely:—

(i) Monthly Register—Register of workers who are engaged by each chipping and painting employer on contract on monthly basis and who are known as monthly workers.

(ii) Reserve Pool Register—Register of workers other than those on the monthly register and known as Reserve Pool Workers.

16. **Classification of workers on registers.**—(1) The Board shall arrange for the classification of workers by categories in the registers.

(2) Dock workers registered under the Scheme shall be classified into:

(a) Tindals; and

(b) Chipping and Painting Mazdoors.

17. **Fixation of number of workers on the register.**—(1) The Board shall in consultation with the Administrative Body determine, before the commencement of registration in any category, the number of workers required in that category.

(2) A registered employer or a group of employers may, subject to such conditions as may be prescribed by the Board on this behalf, increase the number of workers in the monthly registers by selecting workers from the reserve pool.

13. **Registration of existing and new workers.**—(1) (a) Any dock worker who, on the date of commencement of the Scheme, is already listed under the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 shall be deemed to have been registered under the Scheme.

(b) The age limits for new registration shall be such as may be prescribed by the Board having regard to local conditions but the age so prescribed shall not exceed 40 years. Only Indian nationals who are physically fit, capable and having experience shall be eligible for registration.

(c) Registration of workers in any new category shall be done from among workers who have been or were working in the port on any such date as the Board may prescribe in this behalf and selection for registration shall be made as far as possible on the basis of seniority, i.e., in the order of the total period for which a dock worker has worked in that category provided that the worker is medically fit and is not more than 50 years of age.

(2) The Masters of the ships may engage the crew of the ship for chipping and painting work on their ships. In all other cases registered dock workers only shall be employed for such work and on requisition made by registered employers.

(3) The Board may from time to time permit the registration of workers temporarily for such periods and on such terms and conditions of service as the Board may specify:

Provided that the workers registered temporarily shall be entitled to attendance allowance under clause 32 and shall have the same obligations as registered dock workers in the reserve pool.

(4) Any fresh recruitment, whether on a temporary or permanent basis in any category in which dock workers have already been registered under the Scheme shall be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day of the requisition direct recruitment after absorbing suitable men from the Employment Exchange register may be made.

(5) New workers registered under item (b) of sub-clause (1) will be on probation for a period of three months before being placed on a permanent basis on the registers.

(6) Notwithstanding any other provision of the Scheme, where the Board is of opinion that a registered dock worker has secured his registration by furnishing false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, the Board in meeting may direct the removal of his name from the registers:

Provided that before giving any such direction, the Board shall give him an opportunity of showing cause why the proposed direction should not be issued

(7) The following principles shall apply in respect of registration in other categories which may after the commencement of the Scheme be included in Schedule I—

(a) Before a worker is registered in any of the above categories, the Board shall under clause 17(1) make a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required out of all the bona fide workers in that category who may then be working in the docks.

(b) There shall be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port shall not automatically entitle him to registration.

(c) After the provisional registration has been completed the booking in rotation shall start without allowing, at that stage any financial benefits other than wages which accrue to registered workers under the Scheme.

(d) A re-assessment of the requirement shall be made after six months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. The payment of attendance allowance under clause 32 only shall commence from that time.

(e) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 31 should be paid. From then onwards the workers will be entitled to all the benefits under the Scheme.

(f) The minimum number of days in a month for which wages are guaranteed under clause 31 to categories of workers previously registered shall not automatically be claimed by workers of the categories to be registered after the date of enforcement of the Scheme. Such minimum number of days may vary from category to category as determined under item (e) above.

(g) The wages of the workers in categories which may be registered after the commencement of the Scheme shall be such as may be fixed by the Board from time to time.

19. **Promotion and transfer of workers.**—(1) A vacancy, other than a casual vacancy, in any category of registered dock workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the next lower category.

(2) A vacancy other than a casual vacancy, in any category of monthly workers may be filled only by promotion from lower categories of monthly workers of the same employer or group of employers, or, if no person is suitable for promotion from lower categories of monthly workers of the same employer or group of employers by transfer of a registered dock worker in the same or a superior category from the reserve pool who may be selected by a registered employed or a group of employers.

Explanation.—The criteria for promotion shall ordinarily be:—

(a) seniority,

(b) merit and fitness for work in the category to which promotion is to be made, and

(c) record of past service.

NOTE.—A transfer from the reserve pool register to the monthly register in the same category or *vice versa* shall not be deemed to be a promotion.

(3) The Chairman or the Deputy Chairman may for sufficient and valid reasons allow the transfer of a monthly worker to the reserve pool on a request in writing of the employer or the worker explaining fully the reasons for the transfer provided that such transfer shall be subject to the fulfilment of any contract subsisting between the monthly workers and his employer regarding termination of employment. No transfer shall take place without the prior approval of the Chairman or the Deputy Chairman.

(4) If the services of a monthly worker are terminated by any employer for an act of indiscipline or misconduct, he may apply to the Board for employment in the reserve pool. The Deputy Chairman on behalf of the Board shall then decide on the merits of the case whether or not the worker should be employed and if so, whether in the same or a lower category.

(5) If a monthly worker is transferred to or employed in the reserve pool under sub-clause (3) or sub-clause (4), as the case may be, his previous service shall be reckoned for all benefits in the reserve pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service had not been transferred. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave, Provident Fund or gratuity that may be due to him on the date of such transfer.

20. **Medical Examination**—(1) A new worker before registration shall undergo, free of charge, a medical examination for physical fitness by a Medical Officer, nominated, by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf for examination by a Medical Board. On receipt of such a request, the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the Administrative Body deems it necessary, a worker shall undergo free of charge a medical examination by a Medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final. If a worker is found permanently unfit by the Medical Board the Chairman shall terminate his services forthwith.

21. **Facilities for training.**—The Board shall make such provision for training of registered dock workers as it may deem necessary.

22. **Registration fee**—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme.

23. **Supply of cards.**—(1) Every registered worker shall be supplied free of cost with an Identity Card, and an Attendance Card in the forms prescribed by the Board.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof which will be fixed by the Board, shall be payable by the worker concerned.

24. **Service Record for registered workers.**—A "Service Record" for every monthly and daily worker shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the worker, promotions, commendations for good work and other matters. Such details in respect of monthly workers shall be supplied to the Administrative Body by the registered employers.

25. **Record sheets for registered employers.**—The Personnel Officer shall maintain a "Record sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employer.

26. **Surrender of cards.**—A worker's card shall be surrendered to the Administrative Body in the following circumstances, namely:—

(a) when proceeding on leave for three days or more;

(b) when retiring from service;

(c) when dismissed or discharged from service;

(d) when temporarily suspended; or

(e) on death.

Provided that the employer of a monthly worker will also surrender the card of the worker to the Administrative Body in circumstances specified at items (a) to (e).

27. **Entries in Attendance Card.**—(1) A registered dock worker in the reserve pool shall hand over to the Administrative Body at the time he is allocated for work to a registered employer his Attendance Card. The Administrative Body shall make necessary entries in the Attendance Card in respect of the period of work done by the worker and return it to him before the expiry of his engagement.

(2) A monthly worker shall hand over to his employer at the time when he is allotted work on a ship his Attendance Card. The said employer shall make necessary entries in the card in respect of the period of work done by the worker and return it to him before the conclusion of his allotted work.

28. **Employment of workers.**—(1) A monthly worker of a particular category attached to a registered employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers in preference to any worker of the same category in the reserve pool.

(2) If the number of workers on the monthly registered in a particular category is not sufficient for the work available, the workers on the reserve pool register in that category shall be employed.

(3) A monthly worker of one employer or a group of employers shall not be employed by another employer or group of employers except with the previous approval of the Chairman or the Deputy Chairman.

29. **Employment in shifts.**—(1) Registered workers shall be employed in shifts.

(2) (a) A registered dock worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of the two successive days. In no case shall a registered dock worker be employed in three consecutive shifts.

(b) A worker in the reserve pool shall not be employed for more than 9 shifts in a week or 33 shifts in a month.

(c) Normally a monthly worker shall not be employed for more than 6 shifts in a week or 27 shifts in a month, but when a worker in the reserve pool who has not reached the maximum limit of employment defined in item (b) is not available, a monthly worker may be employed upto 9 shifts in a week or 33 shifts in a month.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day will be entitled to the normal rate of wages for work in each shift.

(3) Workers of each category on the reserve pool register shall be allotted work by rotation.

30. **Filling up of casual vacancies.**—(1) Casual vacancies among monthly Tindals shall be filled up in the following manner, namely:—

(i) When a Tindal is absent, the vacancy shall be filled by a Tindal in the employment of the employer, provided such tindal is not allocated to any other job. If no such Tindal is available, a senior chipping and painting mazddor available for work shall act as a Tindal for the shift.

(ii) Vacancies of chipping and painting mazdoors shall be filled by chipping and painting mazdoors in the employment of the employer, provided such mazdoors are not allocated to any other job. When no such workers are available, the vacancies shall be filled by workers of the same category from the reserve pool.

(2) Casual vacancies in the reserve pool shall be filled up in the following manner, namely:—

(a) When a Tindal is absent, the vacancy shall be filled by a Tindal on attendance allowance. If no Tindal is on attendance allowance, the senior most chipping and painting mazdoor available for work shall work as a Tindal for the shift.

(b) Vacancies of chipping and painting mazdoors will be filled by chipping and painting mazdoors on attendance allowance.

31. **Guaranteed Minimum Wages in a Month.**—(1) A worker in the reserve pool register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above. The guaranteed minimum wages in a month shall be:

(a) for the number of days for which wages are guaranteed in a month subject to the condition that the worker attended for work on all days of the month as directed by the Administrative Body; or

(b) proportionate to the number of days on which the worker attended for work provided he was excused from attendance on all the remaining days of the month.

(2) Subject to the provisions of sub-clause (1), the minimum number of days in a month for which wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the reserve pool in the lowest categories of chipping and painting workers during the preceding year until the minimum number of days reaches twenty-one, provided the number so fixed shall not, in any case, be less than the number in the preceding year

NOTE.—The method of assessing the average employment is detailed in Schedule II.

(3) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2) shall not automatically apply to workers in new categories that may be registered after the date of enforcement of the Scheme. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under clause 18(7)(e). The annual reflxation of the minimum number of days as under sub-clause (2) shall be done independently in their case also.

Explanation.—For the purpose of this clause,

(a) 'day' shall mean a shift; and

(b 'month' shall not include the days of weekly off.

32. **Attendance allowance.**—Subject to the other provisions of the Scheme, a worker on the reserve pool register who is available for work but for whom no work is found shall be paid attendance allowance at the rate of rupee one per day for the days on which during a calendar month be attended for work as directed by the Administrative Body and no work was found for him.

Provided that the Board may allow payment of attendance allowance at such higher rate not exceeding rupees two as it may deem necessary:

Provided further that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 31 or otherwise or for which dis-appointment money is paid under clause 34.

33. **Employment for a shift.**—No worker in the reserve pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may

be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift:

Provided that if he is subject to piece rate wages/incentive wages under any agreement entered into between the registered employers and registered dock workers or any decision of the Board he shall be paid at the rates laid down therein.

34. **Disappointment Money.**—When a worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is relieved within two hours of his attending for work, he shall be entitled to disappointment money equal to half the wage rate, inclusive of dearness allowance appropriate to the category to which he belongs. A worker detailed for more than 2 hours shall be paid full wages inclusive of dearness allowance:

Provided that in the case of a registered dock worker who is subject to the piece rate system of wages under any agreement entered into between the registered employers and registered dock workers or any decision of the Board the payment, if any, due to him under this clause, shall be reduced by the amount of the idle time payment made, if any, under any agreement entered into between the registered employers and registered dock workers or any decision of the Board, in respect of the same period.

Explanation.—The 'wage rate, inclusive of dearness allowance' or 'full wages inclusive of dearness allowance' in respect of workers subject to piece rates under any agreement entered into between the registered employers and registered dock workers or any decision of the Board shall be the same as the "daily wage rate" thereunder.

35. **Holidays.**—Each registered dock worker shall be entitled in a year to such number of holidays with pay and at such rates as will be prescribed by the Board under clause 41. Any payment made under this clause shall be exclusive of the payment calculated under clause 31

36. **Committees.**—The Board may appoint one or more committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a committee. Such co-opted members, however, shall not have any right of vote.

37. **Obligations of registered dock workers.**—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker in the reserve pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker in the reserve pool who is available for work shall carry out the directions of the Administrative Body, and shall:

(a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points—

(i) throughout the period of the shift, if instructed by the Administrative Body to that effect, on payment of such retention allowance as may be prescribed by the Board; or

(ii) for such period, not exceeding one hour, as may be specified; and

(b) accept any employment in connection with dock work whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

(5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

38. **Obligations of registered employers.**—(1) Every registered employer shall accept the obligations of the Scheme.

(2) Subject to the provisions of clause 28, a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 11(e).

(3) A registered employer shall in accordance with arrangements made by the Administrative Body submit all available information of his current and future labour requirements.

(4) A registered employer shall lodge with the Administrative Body, unless otherwise directed particulars of work done by registered dock workers on time rate or piece rate and such other statistical data as may be required in respect of registered dock workers engaged by him.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the levy payable under clause 52(1) and the gross wages due to daily workers.

(ii) A registered employer shall make payments as contributions to the Dock Workers Welfare Fund under clause 53.

(6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or direction issued by or on behalf of the Board.

39. **Restriction on employment.**—(1) No person other than a registered employer shall employ any worker on dock work nor shall a registered employer engage, for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause,

(a) where the Administrative Body is satisfied that—

(i) dock work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work;

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall, as far as possible, be consulted:

Provided that, whenever unregistered workers have to be employed, the Administrative Body shall obtain, if possible the prior approval of the Chairman to the employment of such workers, and where this is not possible, shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) the Board may, subject to such conditions as it may specify, permit employment of unregistered workers on a holiday, if dock work is required to be done on that day, to the extent registered workers are not available for work;

(c) in the case referred to in items (a) and (b) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 38(4), (5) and (6) and clause 41 be treated in respect of that dock work as if he were a daily worker.

40 **Circumstances in which the Scheme ceases to apply.**—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employer's register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

41. **Wages, allowances and other conditions of service of workers.**—Without prejudice to the provisions of any agreement entered into between the registered employers and registered dock workers it shall be, unless otherwise specifically provided for in the Scheme, an implied condition of the contract between a registered dock worker (whether in the reserve pool or on the monthly register) and registered employer that—

(a) the rates of wages, allowances and overtime, hours of work, rest, intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers; and

(b) the fixation of wage period, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

42. **Pay in respect of unemployment or under-employment.**—(1) Subject to the conditions set out in this clause and clause 43 when, in any wage period, a registered dock worker in the reserve pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 31, 32 and 34.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

(a) he attended as directed at the call stands or control points; and

(b) his attendance was recorded.

43. **Disentitlement to payment.**—A registered dock worker who while in the reserve pool fails without adequate cause to comply with the provisions of clause 37(4)(a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board may be proceeded with in accordance with sub-clause (3).

(2) A registered dock worker in the reserve pool who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 37(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool and whether or not he is so returned may be reported in writing to the Labour Officer. When a registered dock worker is so returned to the reserve pool, the Administrative Body shall endorse his Attendance Card accordingly.

(3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered dock worker that he is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment or to such part of any payment under clause 42 as the Labour Officer thinks fit in respect of the wage period in which such failure occurred or continues.

44. **Disciplinary Procedure.**—(1) (i) The Personnel Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out provisions of the Scheme may after investigating the matter, give him a warning in writing, or

(ii) Where in his opinion, a higher penalty is merited, he shall report the case to the Deputy Chairman, who may then cause such further investigation to be made as he may deem fit and taken any of the following steps as regards that employer, that is to say, he may—

(a) censure him and record the censure in his record sheet; or

(b) subject to the approval of the Board and after one month's notice in writing given to the registered employer inform the Administrative Body that the name of the employer shall be removed from the employers' register for such period as determined by the Board or permanently in case of a grave offence.

(2) A registered dock worker in the reserve pool, who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the Labour Officer who may after investigating the matter take any of the following steps as regards that worker, that is to say, he may—

(a) determine that, for such period as he thinks proper, that worker shall not be entitled to any payment or part payment under clause 42;

(b) give him a warning in writing; or

(c) suspend him without pay for a period not exceeding three days.

(3) (a) Where in a case reported to the Labour Officer under sub-clause (2) he is of opinion that the act of indiscipline or misconduct is so serious that the registered dock worker should not be allowed to work any longer, the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to the Deputy Chairman, who after preliminary investigation of the matter shall pass orders thereon whether the worker should, pending final order, remain suspended or not;

(b) Where a registered dock worker has been suspended by an order under item (a) he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 32 or one-fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases, grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(c) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(d) where a registered dock worker is found not guilty, he shall be entitled to such payments as the Administrative Body certifies that the worker would have received on the time-rate basis or under clause 32 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

(4) Where, in the opinion of the Labour Officer a higher punishment than that provided in sub-clauses (2) and (3) is merited, he shall report the case to the Deputy Chairman.

(5) On receipt of the written report from the Labour Officer, under sub-clause (4) or from the employers or any other person that a registered dock worker in the reserve pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard or datum output or has been inefficient in any other manner, the Deputy Chairman may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:—

(a) determine that for such period as he thinks proper, the worker shall not be entitled to any payment or part payment under clause 42;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive or dearness allowance in lieu thereof; or

(e) dismiss him.

(6) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(7) The Administrative Body shall be informed simultaneously about the action taken under this clause.

(8) Notwithstanding anything contained in this clause and in clause 43, the powers vested in the authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table shall also be exercisable by the authority specified in the corresponding entry in column (3) in such cases as the last named authority may specify in writing in this behalf.

TABLE

Authority empowered to take action	Power given under	Authority empowered to take action in specified cases
1	2	3
1. Labour Officer	Clauses 43 and 44	Administrative Body
2. Personnel Officer	Clause 44	Deputy Chairman or Chairman
3. Deputy Chairman	Clause 44	Chairman

(9) Without prejudice to the powers of the Chairman under clauses 45 and 51, a registered dock employer shall have full powers to take disciplinary action against monthly workers employed under him.

45. **Special Disciplinary powers of Chairman.**—Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any group of registered dock workers or by any such individual worker and is being continued or repeated by the same group of workers or workers of different groups or workers on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

(i) in the case of monthly workers, to take, without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate; and

(ii) in the case of registered dock workers in the reserve pool to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.

(3) The Chairman may take disciplinary action—

(i) where the 'go-slow' is resorted to by a group of workers, against all the members of the group; and

(ii) where the 'go-slow' is resorted to by a worker, against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any registered dock worker or group of registered dock workers, such worker or group of workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it;

Provided that the Chairman, may, before giving an opportunity to show cause under this sub-clause suspend from work any worker or group of workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a registered dock worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 32 or one-fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases, grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a registered dock worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or

under clause 32 had he not been suspended; provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) A declaration by the Chairman that a 'go-slow' has been resorted to by a worker or a group of workers shall be final and shall not be liable to be questioned on any ground or in any manner whatsoever.

46. **Termination of employment.**—(1) The employment of a registered dock worker in the reserve pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or forefeiting fourteen days' wages inclusive of dearness allowance in lieu thereof.

(3) When the employment of a registered dock worker with the Board has been terminated under sub-clause (1) or (2) above, his name shall forthwith be removed from the register or record by the Administrative Body.

47. **Appeals by workers.**—(1) Save as otherwise provided in this clause, a worker in the reserve pool who is aggrieved by an order passed by an authority specified in column (1) of the table below under the provisions specified in column (2) of the said table may prefer an appeal against such order to the authority specified in column (3) of the said table.

TABLE

Authority passing Order	Order made under	Appellate Authority
1	2	3
Labour Officer or Administrative Body	Clause 43 or 44	Deputy Chairman
Deputy Chairman	Clause 44	Chairman
Chairman	Clause 44	Central Government

(2) A worker who is aggrieved by an order—

(i) placing him in a particular group in the register or record; or

(ii) refusing registration under clause 18; or

(iii) requiring him under clause 37(4)(b) to undertake any work which is not of the same category to which he belongs;

may prefer an appeal to the Chairman.

(3) Any dock worker who is aggrieved by an order under clause 19(4) may prefer an appeal to the Chairman.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered dock worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof;

Provided that an appeal shall lie to the Chairman where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the instructions of the Board.

(5) Every appeal referred to in sub-clauses (1), (2), (3) and (4) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against and the order passed on such appeal shall be final and conclusive;

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(6) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered dock worker.

48. **Appeals by employers.**—(1) (a) A registered employer who is aggrieved by an order of the Personnel Officer under clause 44(1)(i) may appeal to the Deputy Chairman whose order shall be final and conclusive and there shall be no appeal against it.

(b) If a registered employer is aggrieved by an original order of the Deputy Chairman under clause 44(1)(ii), he may appeal to the Chairman. The order of the Chairman in respect of an appeal against an order under clause 44(1)(ii)(a) shall be final and conclusive and there shall be no appeal against it. In the case of an appeal against an order under clause 44(1)(ii)(b), the Chairman shall as the case may be, had passed the order, for the purpose of satisfying himself forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) An employer who has been refused registration under clause 15(1)(c) may appeal to the Central Government through the Chairman. The order of the Central Government shall be final and conclusive and there shall be no appeal against it.

(3) If a registered employer is aggrieved by any original order of the Chairman against him under clause 44, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clauses (1), (2) and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the apellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the association of registered employers of which he is a member or by a registered employer.

49. **Power of revision of the Chairman and Deputy Chairman.**—Notwithstanding anything contained in the Scheme, the Chairman, in the case of an order passed by the Deputy Chairman under clause 44, or the Deputy Chairman, in the case of an order passed by the Personnel Officer or the Labour Officer, as the case may be, under the said clause, may, at any time, call for the record of any proceeding in which the Deputy Chairman or the Personnel Officer or the Labour Officer, as to the legality or propriety thereof and may pass such order in relation thereto as he may think fit:

Provided that the Chairman or the Deputy Chairman shall not pass any order under this clause which may prejudicially affect the interests of any person without giving such person a reasonable opportunity of being heard.

50. **Stay of order in case of certain appeals.**—Where an appeal is lodged by a registered dock worker in accordance with the provisions of clause 47 against an order of termination of service on 14 days' notice or where an appeal is lodged by an employer in accordance with the provisions of Clause 48 against an order removing his name from the employers' register under clause 44(1)(ii)(b), the appellate authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.

51. **Special provisions for action in an emergency.**(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

(a) determine that for such period as he thinks proper that worker shall not be entitled to any payment under clause 42,

(b) give him a warning in writing,

(c) suspend him without pay for a period not exceeding three months.

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof, or

(e) dismiss him.

(iii) (a) Where a registered dock worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 32 or one-fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases, grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(b) where a registered dock worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 32 had he not been suspended, provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) No appeal shall lie from any order passed by the Chairman under sub-clause (2).

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by registered employers and payment to such unregistered workers directly.

52. Cost of operating the Scheme.—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board. Every registered employer shall pay to the Board such amount by way of levy in respect of reserve pool workers together with and at the same time as the payment of gross wages due from him under clause 38(5)(i), as the Board may, from time to time, prescribe by a written notice to registered employers and the amount payable by way of such levy shall not be less than such amount as the Board may fix as the minimum payable by every registered employer. If considered necessary, the Board may require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding hundred per cent of the estimated total wage bill calculated on the basis of the daily wage rate without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer fails to make the payment due from him under sub-clause (1) within the time prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that, unless he pays his dues within three days from the date of receipt of the notice, the supply of registered dock workers to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of registered dock workers to a defaulting employer until he pays his dues.

53. **Provident Fund and Gratuity.**—(1) Without prejudice to any agreement entered into between the registered employers and registered dock workers, the Board in respect of the workers in the reserve pool and the registered employers, in respect of their monthly workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary:

Provided that the rules applicable to monthly workers shall not be less favourable than those relating to workers in the reserve pool.

(2) Without prejudice to any agreement entered into between the registered employers and registered dock workers, the Board shall frame rules for payment of gratuity to registered workers.

54. **Dock Workers Welfare Fund.**—Cost of amenities, welfare and health measures and recreation facilities for registered workers shall be met from a separate fund called Dock Workers Welfare Fund which shall be maintained by the Board. Contributions to this Fund shall be made by all registered employers at such rate as may be determined by the Board. The Board shall frame rules for contribution to, maintenance and operation, of the Fund.

55. **Penalties.**—A contravention of clause 39 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention or with both imprisonment and fine as aforesaid.

56. **Repeal and Saving.**—On the commencement of this Scheme, the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 shall cease to apply in respect of the dock workers to whom this Scheme applies:

Provided that any order made, right accrued, penalty incurred or anything done or any action taken under the said Scheme shall so far as may be, be deemed to have been made, accrued, incurred or done or taken under this Scheme and any reference in any instrument to any provision of the said Scheme shall be deemed to be a reference to the corresponding provision in this Scheme.

SCHEDULE I

[*See* Clause 2(2)]

Clauses or descriptions of dock work and dock workers to which the Scheme applies—

(1) Chipping and Painting Work and Cleaning of tanks to carry bulk edible oil.

(2) The following categories of chipping painting workers:

(a) Tindal.

(b) Chipping and Painting Mazdoors.

SCHEDULE II

(*See* Clause 31)

The minimum number of days in a month for which wages are guaranteed should be assessed on the basis of average employment during the preceding 12 months according to the following procedure:—

(a) Supposing an assessment is being made in the month of October, 1956, the total number of chipping and painting workers in the reserve pool (including Leave Reserve Workers but excluding Tindals) as on 1st October 1955 and 31st October, 1955, should be ascertained. The average strength, on the register, of these categories should be ascertained by adding the two figures and dividing by 2.

(b) The total number of man-shifts worked by the chipping and painting workers of the categories referred to in (a) during the month should be ascertained from the daily employment statistics.

(c) The total number of man-days of authorised or unauthorised leave taken by the above workers should be ascertained. This figure should be divided by the number of working days in the month to ascertain the average number of workers away on leave.

(d) The figures ascertained as in (c) should be deducted from the average obtained as in (a) to arrive at the effective strength of workers available during the month.

(e) The figure of man-shifts ascertained under (b) should be divided by the effective strength ascertained as in (d). The figures arrived at will be the average number of days of employment during the month of October, 1955.

(f) The above process should be repeated for the remaining 11 months from November, 1955 to September, 1956.

(g) The average employment figures for the 12 months should be added and divided by 12.

(h) The figures arrived at in (g) above should be fixed as the minimum number of days for which wages will be guaranteed for the following 12 months ending 30th September, 1957.

The following example will illustrate:—

Suppose the total number of chipping and painting workers (excluding Tindals) and Leave Reserve Workers in the reserve pool.

as on 1st October 1955	2,000
as on 31st October 1955	1,950
	3,950
Average strength on the register for the month	$\frac{3,950}{2}$ = 1,975
Total number of man-shifts worked by the workers of the above categories in October, 1955	36,000
Total number of man-days of authorised or unauthorised leave taken by the workers	5,250
Number of working days in the said month (31 days of the month less one non-working day)	30
Average number of workers away on leave	$\frac{5,250}{30}$ = 175
Effective strength available during the month	1,975—175 = 1,800
Average employment for the month of October, 1955	$\frac{36,000}{1,800}$ = 20 days.

The same procedure will be followed to arrive at the average employment for the remaining 11 months. Let us assume the figures are as follows:—

October 1955	..	20
November 1955	..	21
December 1955	..	18
January 1956	..	20
February 1956	..	18
March 1956	..	19
April 1956	..	20
May 1956	..	19
June 1956	..	18
July 1956	..	19
August 1956	..	20
September 1956	..	16
TOTAL :		228

The number of days for which wages will be guaranteed for the next 12 months ending 30th September 1957 will be..... $\frac{228}{12}$ =19 days.

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